

1 AN ACT in relation to cable television.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by changing
5 Section 5-1095 as follows:

6 (55 ILCS 5/5-1095) (from Ch. 34, par. 5-1095)

7 Sec. 5-1095. Community antenna television systems;
8 satellite transmitted television programming.

9 (a) The County Board may license, tax or franchise the
10 business of operating a community antenna television system
11 or systems within the County and outside of a municipality,
12 as defined in Section 1-1-2 of the Illinois Municipal Code.

13 When an area is annexed to a municipality, the annexing
14 municipality shall thereby become the franchising authority
15 with respect to that portion of any community antenna
16 television system that, immediately before annexation, had
17 provided cable television services within the annexed area
18 under a franchise granted by the county, and the owner of
19 that community antenna television system shall thereby be
20 authorized to provide cable television services within the
21 annexed area under the terms and provisions of the existing
22 franchise. In that instance, the franchise shall remain in
23 effect until, by its terms, it expires, except that any
24 franchise fees payable under the franchise shall be payable
25 only to the county for a period of 5 years or until, by its
26 terms, the franchise expires, whichever occurs first. After
27 the 5 year period, any franchise fees payable under the
28 franchise shall be paid to the annexing municipality. In any
29 instance in which a duly franchised community antenna
30 television system is providing cable television services
31 within the annexing municipality at the time of annexation,

1 the annexing municipality may permit that franchisee to
2 extend its community antenna television system to the annexed
3 area under terms and conditions that are no more burdensome
4 nor less favorable to that franchisee than those imposed
5 under any community antenna television franchise applicable
6 to the annexed area at the time of annexation. The
7 authorization to extend cable television service to the
8 annexed area and any community antenna television system
9 authorized to provide cable television services within the
10 annexed area at the time of annexation shall not be subject
11 to the provisions of subsection (e) of this Section.

12 (b) "Community antenna television system" as used in
13 this Section, means any facility which is constructed in
14 whole or in part in, on, under or over any highway or other
15 public place and which is operated to perform for hire the
16 service of receiving and amplifying the signals broadcast by
17 one or more television stations and redistributing such
18 signals by wire, cable or other means to members of the
19 public who subscribe to such service except that such term
20 does not include (i) any system which serves fewer than 50
21 subscribers or (ii) any system which serves only the
22 residents of one or more apartment dwellings under common
23 ownership, control or management, and commercial
24 establishments located on the premises of such dwellings.

25 (c) The authority hereby granted does not include the
26 authority to license or franchise telephone companies subject
27 to the jurisdiction of the Illinois Commerce Commission or
28 the Federal Communications Commission in connection with
29 furnishing circuits, wires, cables or other facilities to the
30 operator of a community antenna television system.

31 The County Board may, in the course of franchising such
32 community antenna television system, grant to such franchisee
33 the authority and the right and permission to use all public
34 streets, rights of way, alleys, ways for public service

1 facilities, parks, playgrounds, school grounds, or other
2 public grounds, in which such county may have an interest,
3 for the construction, installation, operation, maintenance,
4 alteration, addition, extension or improvement of a community
5 antenna television system.

6 Any charge imposed by a community antenna television
7 system franchised pursuant to this Section for the raising or
8 removal of cables or lines to permit passage on, to or from a
9 street shall not exceed the reasonable costs of work
10 reasonably necessary to safely permit such passage. Pursuant
11 to subsections (h) and (i) of Section 6 of Article VII of the
12 Constitution of the State of Illinois, the General Assembly
13 declares the regulation of charges which may be imposed by
14 community antenna television systems for the raising or
15 removal of cables or lines to permit passage on, to or from
16 streets is a power or function to be exercised exclusively by
17 the State and not to be exercised or performed concurrently
18 with the State by any unit of local government, including any
19 home rule unit.

20 The County Board may, upon written request by the
21 franchisee of a community antenna television system, exercise
22 its right of eminent domain solely for the purpose of
23 granting an easement right no greater than 8 feet in width,
24 extending no greater than 8 feet from any lot line for the
25 purpose of extending cable across any parcel of property in
26 the manner provided for by the law of eminent domain,
27 provided, however, such franchisee deposits with the county
28 sufficient security to pay all costs incurred by the county
29 in the exercise of its right of eminent domain.

30 Except as specifically provided otherwise in this
31 Section, this Section is not a limitation on any home rule
32 county.

33 (d) The General Assembly finds and declares that
34 satellite-transmitted television programming should be

1 available to those who desire to subscribe to such
2 programming and that decoding devices should be obtainable at
3 reasonable prices by those who are unable to obtain
4 satellite-transmitted television programming through duly
5 franchised community antenna television systems.

6 In any instance in which a person is unable to obtain
7 satellite-transmitted television programming through a duly
8 franchised community antenna television system either because
9 the municipality and county in which such person resides has
10 not granted a franchise to operate and maintain a community
11 antenna television system, or because the duly franchised
12 community antenna television system operator does not make
13 cable television services available to such person, any
14 programming company that delivers satellite-transmitted
15 television programming in scrambled or encrypted form shall
16 ensure that devices for decryption of such programming are
17 made available to such person, through the local community
18 antenna television operator or directly, for purchase or
19 lease at prices reasonably related to the cost of manufacture
20 and distribution of such devices.

21 (e) The General Assembly finds and declares that, in
22 order to ensure that community antenna television services
23 are provided in an orderly, competitive and economically
24 sound manner, the best interests of the public will be served
25 by the establishment of certain minimum standards and
26 procedures for the granting of additional cable television
27 franchises.

28 Subject to the provisions of this subsection, the
29 authority granted under subsection (a) hereof shall include
30 the authority to license, franchise and tax more than one
31 cable operator to provide community antenna television
32 services within the territorial limits of a single
33 franchising authority. For purposes of this subsection (e),
34 the term:

1 (i) "Existing cable television franchise" means a
2 community antenna television franchise granted by a
3 county which is in use at the time such county receives
4 an application or request by another cable operator for a
5 franchise to provide cable antenna television services
6 within all or any portion of the territorial area which
7 is or may be served under the existing cable television
8 franchise.

9 (ii) "Additional cable television franchise" means
10 a franchise pursuant to which community antenna
11 television services may be provided within the
12 territorial areas, or any portion thereof, which may be
13 served under an existing cable television franchise.

14 (iii) "Franchising Authority" is defined as that
15 term is defined under Section 602(9) of the Cable
16 Communications Policy Act of 1984, Public Law 98-549.

17 (iv) "Cable operator" is defined as that term is
18 defined under Section 602(4) of the Cable Communications
19 Policy Act of 1984, Public Law 98-549.

20 Before granting an additional cable television franchise,
21 the franchising authority shall:

22 (1) Give written notice to the owner or operator of
23 any other community antenna television system franchised
24 to serve all or any portion of the territorial area to be
25 served by such additional cable television franchise,
26 identifying the applicant for such additional franchise
27 and specifying the date, time and place at which the
28 franchising authority shall conduct public hearings to
29 consider and determine whether such additional cable
30 television franchise should be granted.

31 (2) Conduct a public hearing to determine the
32 public need for such additional cable television
33 franchise, the capacity of public rights-of-way to
34 accommodate such additional community antenna television

1 services, the potential disruption to existing users of
2 public rights-of-way to be used by such additional
3 franchise applicant to complete construction and to
4 provide cable television services within the proposed
5 franchise area, the long term economic impact of such
6 additional cable television system within the community,
7 and such other factors as the franchising authority shall
8 deem appropriate.

9 (3) Determine, based upon the foregoing factors,
10 whether it is in the best interest of the county to grant
11 such additional cable television franchise.

12 (4) If the franchising authority shall determine
13 that it is in the best interest of the county to do so,
14 it may grant the additional cable television franchise.
15 Except as provided in paragraph (5) of this subsection
16 (e), no such additional cable television franchise shall
17 be granted under terms or conditions more favorable or
18 less burdensome to the applicant than those required
19 under the existing cable television franchise, including
20 but not limited to terms and conditions pertaining to the
21 territorial extent of the franchise, system design,
22 technical performance standards, construction schedules,
23 performance bonds, standards for construction and
24 installation of cable television facilities, service to
25 subscribers, public educational and governmental access
26 channels and programming, production assistance,
27 liability and indemnification, and franchise fees.

28 (5) Unless the existing cable television franchise
29 provides that any additional cable television franchise
30 shall be subject to the same terms or substantially
31 equivalent terms and conditions as those of the existing
32 cable television franchise, the franchising authority may
33 grant an additional cable television franchise under
34 different terms and conditions than those of the existing

1 franchise, in which event the franchising authority shall
2 enter into good faith negotiations with the existing
3 franchisee and shall, within 120 days after the effective
4 date of the additional cable television franchise, modify
5 the existing cable television franchise in a manner and
6 to the extent necessary to ensure that neither the
7 existing cable television franchise nor the additional
8 cable television franchise, each considered in its
9 entirety, provides a competitive advantage over the
10 other, provided that prior to modifying the existing
11 cable television franchise, the franchising authority
12 shall have conducted a public hearing to consider the
13 proposed modification. No modification in the terms and
14 conditions of the existing cable television franchise
15 shall oblige the existing cable television franchisee (1)
16 to make any additional payment to the franchising
17 authority, including the payment of any additional
18 franchise fee, (2) to engage in any additional
19 construction of the existing cable television system or,
20 (3) to modify the specifications or design of the
21 existing cable television system; and the inclusion of
22 the factors identified in items (2) and (3) shall not be
23 considered in determining whether either franchise
24 considered in its entirety, has a competitive advantage
25 over the other except to the extent that the additional
26 franchisee provides additional video or data services or
27 the equipment or facilities necessary to generate and or
28 carry such service. No modification in the terms and
29 conditions of the existing cable television franchise
30 shall be made if the existing cable television franchisee
31 elects to continue to operate under all terms and
32 conditions of the existing franchise.

33 If within the 120 day period the franchising
34 authority and the existing cable television franchisee

1 are unable to reach agreement on modifications to the
2 existing cable television franchise, then the franchising
3 authority shall modify the existing cable television
4 franchise, effective 45 days thereafter, in a manner, and
5 only to the extent, that the terms and conditions of the
6 existing cable television franchise shall no longer
7 impose any duty or obligation on the existing franchisee
8 which is not also imposed under the additional cable
9 television franchise; however, if by the modification the
10 existing cable television franchisee is relieved of
11 duties or obligations not imposed under the additional
12 cable television franchise, then within the same 45 days
13 and following a public hearing concerning modification of
14 the additional cable television franchise within that 45
15 day period, the franchising authority shall modify the
16 additional cable television franchise to the extent
17 necessary to insure that neither the existing cable
18 television franchise nor the additional cable television
19 franchise, each considered in its entirety, shall have a
20 competitive advantage over the other.

21 No county shall be subject to suit for damages based upon
22 the county's determination to grant or its refusal to grant
23 an additional cable television franchise, provided that a
24 public hearing as herein provided has been held and the
25 franchising authority has determined that it is in the best
26 interest of the county to grant or refuse to grant such
27 additional franchise, as the case may be.

28 It is declared to be the law of this State, pursuant to
29 paragraphs (h) and (i) of Section 6 of Article VII of the
30 Illinois Constitution, that the establishment of minimum
31 standards and procedures for the granting of additional cable
32 television franchises as provided in this subsection (e) is
33 an exclusive State power and function that may not be
34 exercised concurrently by a home rule unit.

1 (f) If the county has granted a franchise to a community
2 antenna television company under this Section, the community
3 antenna television company may not impose a rate increase
4 unless the company has given its customers not less than 30
5 day's notice of the increase. The notice must be included in
6 the billing statement.

7 (Source: P.A. 90-14, eff. 7-1-97; 90-285, eff. 7-31-97.)

8 Section 10. The Illinois Municipal Code is amended by
9 changing Section 11-42-11 as follows:

10 (65 ILCS 5/11-42-11) (from Ch. 24, par. 11-42-11)

11 Sec. 11-42-11. Community antenna television systems;
12 satellite transmitted television programming.

13 (a) The corporate authorities of each municipality may
14 license, franchise and tax the business of operating a
15 community antenna television system as hereinafter defined.
16 In municipalities with less than 2,000,000 inhabitants, the
17 corporate authorities may, under the limited circumstances
18 set forth in this Section, own (or lease as lessee) and
19 operate a community antenna television system; provided that
20 a municipality may not acquire, construct, own, or operate a
21 community antenna television system for the use or benefit of
22 private consumers or users, and may not charge a fee for that
23 consumption or use, unless the proposition to acquire,
24 construct, own, or operate a cable antenna television system
25 has been submitted to and approved by the electors of the
26 municipality in accordance with subsection (f). Before
27 acquiring, constructing, or commencing operation of a
28 community antenna television system, the municipality shall
29 comply with the following:

30 (1) Give written notice to the owner or operator of
31 any other community antenna television system franchised
32 to serve all or any portion of the territorial area to be

1 served by the municipality's community antenna television
2 system, specifying the date, time, and place at which the
3 municipality shall conduct public hearings to consider
4 and determine whether the municipality should acquire,
5 construct, or commence operation of a community antenna
6 television system. The public hearings shall be
7 conducted at least 14 days after this notice is given.

8 (2) Publish a notice of the hearing in 2 or more
9 newspapers published in the county, city, village,
10 incorporated town, or town, as the case may be. If there
11 is no such newspaper, then notice shall be published in
12 any 2 or more newspapers published in the county and
13 having a general circulation throughout the community.
14 The public hearings shall be conducted at least 14 days
15 after this notice is given.

16 (3) Conduct a public hearing to determine the means
17 by which construction, maintenance, and operation of the
18 system will be financed, including whether the use of tax
19 revenues or other fees will be required.

20 (b) The words "community antenna television system"
21 shall mean any facility which is constructed in whole or in
22 part in, on, under or over any highway or other public place
23 and which is operated to perform for hire the service of
24 receiving and amplifying the signals broadcast by one or more
25 television stations and redistributing such signals by wire,
26 cable or other means to members of the public who subscribe
27 to such service; except that such definition shall not
28 include (i) any system which serves fewer than fifty
29 subscribers, or (ii) any system which serves only the
30 residents of one or more apartment dwellings under common
31 ownership, control or management, and commercial
32 establishments located on the premises of such dwellings.

33 (c) The authority hereby granted does not include
34 authority to license, franchise or tax telephone companies

1 subject to jurisdiction of the Illinois Commerce Commission
2 or the Federal Communications Commission in connection with
3 the furnishing of circuits, wires, cables, and other
4 facilities to the operator of a community antenna television
5 system.

6 The corporate authorities of each municipality may, in
7 the course of franchising such community antenna television
8 system, grant to such franchisee the authority and the right
9 and permission to use all public streets, rights of way,
10 alleys, ways for public service facilities, parks,
11 playgrounds, school grounds, or other public grounds, in
12 which such municipality may have an interest, for the
13 construction, installation, operation, maintenance,
14 alteration, addition, extension or improvement of a community
15 antenna television system.

16 Any charge imposed by a community antenna television
17 system franchised pursuant to this Section for the raising or
18 removal of cables or lines to permit passage on, to or from a
19 street shall not exceed the reasonable costs of work
20 reasonably necessary to safely permit such passage. Pursuant
21 to subsections (h) and (i) of Section 6 of Article VII of the
22 Constitution of the State of Illinois, the General Assembly
23 declares the regulation of charges which may be imposed by
24 community antenna television systems for the raising or
25 removal of cables or lines to permit passage on, to or from
26 streets is a power or function to be exercised exclusively by
27 the State and not to be exercised or performed concurrently
28 with the State by any unit of local government, including any
29 home rule unit.

30 The municipality may, upon written request by the
31 franchisee of a community antenna television system, exercise
32 its right of eminent domain solely for the purpose of
33 granting an easement right no greater than 8 feet in width,
34 extending no greater than 8 feet from any lot line for the

1 purpose of extending cable across any parcel of property in
2 the manner provided by the law of eminent domain, provided,
3 however, such franchisee deposits with the municipality
4 sufficient security to pay all costs incurred by the
5 municipality in the exercise of its right of eminent domain.

6 (d) The General Assembly finds and declares that
7 satellite-transmitted television programming should be
8 available to those who desire to subscribe to such
9 programming and that decoding devices should be obtainable at
10 reasonable prices by those who are unable to obtain
11 satellite-transmitted television programming through duly
12 franchised community antenna television systems.

13 In any instance in which a person is unable to obtain
14 satellite-transmitted television programming through a duly
15 franchised community antenna television system either because
16 the municipality and county in which such person resides has
17 not granted a franchise to operate and maintain a community
18 antenna television system, or because the duly franchised
19 community antenna television system operator does not make
20 cable television services available to such person, any
21 programming company that delivers satellite-transmitted
22 television programming in scrambled or encrypted form shall
23 ensure that devices for description of such programming are
24 made available to such person, through the local community
25 antenna television operator or directly, for purchase or
26 lease at prices reasonably related to the cost of manufacture
27 and distribution of such devices.

28 (e) The General Assembly finds and declares that, in
29 order to ensure that community antenna television services
30 are provided in an orderly, competitive and economically
31 sound manner, the best interests of the public will be served
32 by the establishment of certain minimum standards and
33 procedures for the granting of additional cable television
34 franchises.

1 Subject to the provisions of this subsection, the
2 authority granted under subsection (a) hereof shall include
3 the authority to license, franchise and tax more than one
4 cable operator to provide community antenna television
5 services within the corporate limits of a single franchising
6 authority. For purposes of this subsection (e), the term:

7 (i) "Existing cable television franchise" means a
8 community antenna television franchise granted by a
9 municipality which is in use at the time such
10 municipality receives an application or request by
11 another cable operator for a franchise to provide cable
12 antenna television services within all or any portion of
13 the territorial area which is or may be served under the
14 existing cable television franchise.

15 (ii) "Additional cable television franchise" means
16 a franchise pursuant to which community antenna
17 television services may be provided within the
18 territorial areas, or any portion thereof, which may be
19 served under an existing cable television franchise.

20 (iii) "Franchising Authority" is defined as that
21 term is defined under Section 602(9) of the Cable
22 Communications Policy Act of 1984, Public Law 98-549, but
23 does not include any municipality with a population of
24 1,000,000 or more.

25 (iv) "Cable operator" is defined as that term is
26 defined under Section 602(4) of the Cable Communications
27 Policy Act of 1984, Public Law 98-549.

28 Before granting an additional cable television franchise,
29 the franchising authority shall:

30 (1) Give written notice to the owner or operator of
31 any other community antenna television system franchised
32 to serve all or any portion of the territorial area to be
33 served by such additional cable television franchise,
34 identifying the applicant for such additional franchise

1 and specifying the date, time and place at which the
2 franchising authority shall conduct public hearings to
3 consider and determine whether such additional cable
4 television franchise should be granted.

5 (2) Conduct a public hearing to determine the
6 public need for such additional cable television
7 franchise, the capacity of public rights-of-way to
8 accommodate such additional community antenna television
9 services, the potential disruption to existing users of
10 public rights-of-way to be used by such additional
11 franchise applicant to complete construction and to
12 provide cable television services within the proposed
13 franchise area, the long term economic impact of such
14 additional cable television system within the community,
15 and such other factors as the franchising authority shall
16 deem appropriate.

17 (3) Determine, based upon the foregoing factors,
18 whether it is in the best interest of the municipality to
19 grant such additional cable television franchise.

20 (4) If the franchising authority shall determine
21 that it is in the best interest of the municipality to do
22 so, it may grant the additional cable television
23 franchise. Except as provided in paragraph (5) of this
24 subsection (e), no such additional cable television
25 franchise shall be granted under terms or conditions more
26 favorable or less burdensome to the applicant than those
27 required under the existing cable television franchise,
28 including but not limited to terms and conditions
29 pertaining to the territorial extent of the franchise,
30 system design, technical performance standards,
31 construction schedules, performance bonds, standards for
32 construction and installation of cable television
33 facilities, service to subscribers, public educational
34 and governmental access channels and programming,

1 production assistance, liability and indemnification, and
2 franchise fees.

3 (5) Unless the existing cable television franchise
4 provides that any additional cable television franchise
5 shall be subject to the same terms or substantially
6 equivalent terms and conditions as those of the existing
7 cable television franchise, the franchising authority may
8 grant an additional cable television franchise under
9 different terms and conditions than those of the existing
10 franchise, in which event the franchising authority shall
11 enter into good faith negotiations with the existing
12 franchisee and shall, within 120 days after the effective
13 date of the additional cable television franchise, modify
14 the existing cable television franchise in a manner and
15 to the extent necessary to ensure that neither the
16 existing cable television franchise nor the additional
17 cable television franchise, each considered in its
18 entirety, provides a competitive advantage over the
19 other, provided that prior to modifying the existing
20 cable television franchise, the franchising authority
21 shall have conducted a public hearing to consider the
22 proposed modification. No modification in the terms and
23 conditions of the existing cable television franchise
24 shall oblige the existing cable television franchisee (1)
25 to make any additional payment to the franchising
26 authority, including the payment of any additional
27 franchise fee, (2) to engage in any additional
28 construction of the existing cable television system or,
29 (3) to modify the specifications or design of the
30 existing cable television system; and the inclusion of
31 the factors identified in items (2) and (3) shall not be
32 considered in determining whether either franchise
33 considered in its entirety, has a competitive advantage
34 over the other except to the extent that the additional

1 franchisee provides additional video or data services or
2 the equipment or facilities necessary to generate and or
3 carry such service. No modification in the terms and
4 conditions of the existing cable television franchise
5 shall be made if the existing cable television franchisee
6 elects to continue to operate under all terms and
7 conditions of the existing franchise.

8 If within the 120 day period the franchising
9 authority and the existing cable television franchisee
10 are unable to reach agreement on modifications to the
11 existing cable television franchise, then the franchising
12 authority shall modify the existing cable television
13 franchise, effective 45 days thereafter, in a manner, and
14 only to the extent, that the terms and conditions of the
15 existing cable television franchise shall no longer
16 impose any duty or obligation on the existing franchisee
17 which is not also imposed under the additional cable
18 television franchise; however, if by the modification the
19 existing cable television franchisee is relieved of
20 duties or obligations not imposed under the additional
21 cable television franchise, then within the same 45 days
22 and following a public hearing concerning modification of
23 the additional cable television franchise within that 45
24 day period, the franchising authority shall modify the
25 additional cable television franchise to the extent
26 necessary to insure that neither the existing cable
27 television franchise nor the additional cable television
28 franchise, each considered in its entirety, shall have a
29 competitive advantage over the other.

30 No municipality shall be subject to suit for damages
31 based upon the municipality's determination to grant or its
32 refusal to grant an additional cable television franchise,
33 provided that a public hearing as herein provided has been
34 held and the franchising authority has determined that it is

1 in the best interest of the municipality to grant or refuse
2 to grant such additional franchise, as the case may be.

3 It is declared to be the law of this State, pursuant to
4 paragraphs (h) and (i) of Section 6 of Article VII of the
5 Illinois Constitution, that the establishment of minimum
6 standards and procedures for the granting of additional cable
7 television franchises by municipalities with a population
8 less than 1,000,000 as provided in this subsection (e) is an
9 exclusive State power and function that may not be exercised
10 concurrently by a home rule unit.

11 (f) No municipality may acquire, construct, own, or
12 operate a community antenna television system unless the
13 corporate authorities adopt an ordinance. The ordinance must
14 set forth the action proposed; describe the plant, equipment,
15 and property to be acquired or constructed; and specifically
16 describe the manner in which the construction, acquisition,
17 and operation of the system will be financed.

18 The ordinance may not take effect until the question of
19 acquiring, construction, owning, or operating a community
20 antenna television system has been submitted to the electors
21 of the municipality at a regular election and approved by a
22 majority of the electors voting on the question. The
23 corporate authorities must certify the question to the proper
24 election authority, which must submit the question at an
25 election in accordance with the Election Code.

26 The question must be submitted in substantially the
27 following form:

28 Shall the ordinance authorizing the municipality to
29 (insert action authorized by ordinance) take effect?

30 The votes must be recorded as "Yes" or "No".

31 If a majority of electors voting on the question vote in
32 the affirmative, the ordinance shall take effect.

33 Not more than 30 or less than 15 days before the date of
34 the referendum, the municipal clerk must publish the

1 ordinance at least once in one or more newspapers published
2 in the municipality or, if no newspaper is published in the
3 municipality, in one or more newspapers of general
4 circulation within the municipality.

5 (g) If the municipality has granted a franchise to a
6 community antenna television company under this Section, the
7 community antenna television company may not impose a rate
8 increase unless the company has given its customers not less
9 than 30 day's notice of the increase. The notice must be
10 included in the billing statement.

11 (Source: P.A. 90-285, eff. 7-31-97; 91-648, eff. 1-1-00.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.